

**MINUTES**  
**TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES**  
**REGULAR COUNCIL MEETING**  
**Thursday, September 22, 2005**  
**3:30 p.m.**

PRESENT: Thomas W. Cadden, Mayor  
David J. Becker, Vice Mayor  
William H. Ahrens, Councilmember  
Frances F. Atchison, Councilmember  
E. William Kenyon, Councilmember

STAFF PRESENT: Robert J. Bradshaw, Town Manager  
Laura Aldrich, Town Clerk  
Hugh Cox, Chief of Public Safety  
Richard Jefferson, Building Official  
Judith Lewis, Town Treasurer  
Chester Clem, Town Attorney

ASSOCIATES: Paul Shamoun, FLC Retirement Program Manager

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m., asking all to stand for the pledge to be followed by the invocation and roll call.
  - a. Pledge of Allegiance
  - b. Invocation - Councilman Kenyon
  - c. Roll Call
2. **Consent Agenda.** Mayor Cadden asked for a motion on the consent agenda, and received one from Councilman Kenyon that was seconded by Councilman Becker. There being no discussion, the Mayor called for the vote. **The motion passed unanimously.**
  - a. Approval of the Regular Town Council Meeting Minutes of August 25, 2005
  - b. Accepting and Filing of Planning, Zoning and Variance Board meeting minutes of August 8, 2005
3. **Mayor's Items.** A Proclamation supporting October as National Arts & Humanities Month **was read by the Mayor in its entirety, after** which a motion was made **by Councilman Kenyon and supported by Councilman Becker** signifying its approval. The motion carried unanimously.
4. **Planning, Zoning and Variance Board.** Chairman Gerry Weick brought one item before the Council, which was concurrence of the Board approval of a variance for 600 North Montgomery Drive in Marbrisa. The house was built in 1992 without a correct survey, and has a clear title. **A motion to approve the variance** was made by

Councilman Kenyon and seconded by Councilman Becker, which was followed by **unanimous voice approval** of the Council.

5. **Town Attorney.**

- a. **Ordinance No. 482 – Pension Plan.** Mr. Clem performed the first reading of this ordinance as written below, explaining that the pension plan (defined contribution) and defined benefit plans would be an attachment to the ordinance and adopted with it at its final reading.

**AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES RESTATING THE TERMS OF THE TOWN OF INDIAN RIVER SHORES PENSION PLAN AND THE TERMS OF THE TOWN OF INDIAN RIVER SHORES DEFINED BENEFIT PENSION PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Cadden introduced Paul Shamoun to bring the Council up to date on the transfer of administration from Principal to the Florida League of Cities Retirement Program. Mr. Shamoun said that the document for the Defined Benefit (DB) plan has been revised and provided to the Town by Pension Attorney Ron Cohen. He had reviewed it and found no changes to be an issue, as Mr. Cohen safeguarded what had been included in the Principal plan to make sure that all was covered in the new document. There is also a provision in the new plan that basically states that if something in the old plan would have granted a higher benefit, that will be given just in case something was overlooked. In July, this transition was adopted by Resolution, and it was since decided that it would be best to have an Ordinance adopting the plan administration. The assets for the DB and Defined Contribution (DC) plans will be transferred to the FLC Trust on the 28<sup>th</sup> of September, which will immediately be swept up into their investment portfolios. The DC assets will be put into a temporary money market-type fund at the State Board of Administration for about two weeks until the DC enrollments are completed and the employees make their investment elections in the new mutual funds, at which time the money will be transferred back into their participant-directed accounts with any earned interest. Councilman Kenyon affirmed that there were no exit charges for leaving Principal, and Mr. Shamoun said that there has been no correspondence from Principal stating that there is on the DB plan. However, the Defined Contribution Plan has a estimated fee of \$4,900 related to deferred sales charges. The plan that the Town has with FLC has no load mutual funds, no back-ended fees, no surrendered charges, no leaving early fees or any of the types of fees that Principal had on our plan. Principal will be deducting any fees from the account funds prior to the transfer of assets. The Town agreed, in the previous resolution, to pick up a maximum of \$10,000 of any fees, which this certainly falls far below. These fees that have been taken from employee's accounts will be credited back to them.

Councilman Kenyon, supported by Councilman Becker, made a motion to accept the first reading of Ordinance No. 482, which received unanimous support from the Council. Mr. Shamoun then departed.

6. **Town Manager.** Mr. Bradshaw said that Item “a” is a continuation of the discussion from the last meeting regarding the collection process if the Council were to implement this program. He then introduced Mr. Chavez
  - a. EMS Transport Fees - PerSe – Mauricio Chavez. Mr. Chavez thanked the Mayor and Council for having him on the agenda again, apologizing for the Hurricane’s interference with his last trip. The first step is to collect information from our Town and input it to their computer system. It is the same process used by Indian River County, so the interface is already set up and only information that is currently being collected is needed from the transported person. Insurance information comes from the local hospital, and insurance is billed rather than the patient. Once the insurance company pays all but the co-pay or deductible, the patient receives a bill. Councilman Kenyon asked Mr. Bradshaw if we have determined what fee we would charge, and Mr. Bradshaw said not at this point. We would probably be consistent with what the County charges for EMS transportation. Mr. Chavez continued that they could be as aggressive or as soft as the Town desired in pursuing the patient who has no insurance or is slow in paying co-pays. The County has chosen the soft approach in billing, with two statements and maybe one letter, then it ends there. Other agencies have chosen to use a collection agency approach. The payment comes to the Town and copies of the checks are sent to PerSe, who posts the payments, which concludes the billing process. Medicare sends a statement to the individual explaining to them to them what their co-pay is and if a payment has been made for transport. Mr. Bradshaw asked if there was any impact on staff, and Mr. Chavez said that there was not; only a contact for IT (information technology) would be needed to send the files to PerSe.

Councilman Becker affirmed that there is no intrusion of the claims process at the time of transport, and Mr. Chavez agreed. A name and birthdate is the minimum information that is needed. Supplemental statements were discussed, with Mr. Chavez stating that if there is supplemental coverage, a statement may not even go to the patient. Councilman Becker asked if it was true that they were obliged if there is no supplemental insurance to send out two or three letters, and Mr. Chavez said even one would suffice, as only a good faith effort is required. Councilman Becker continued asking if it was acceptable to make it clear that nobody would be pursued for co-pay if they don’t have insurance, and Mr. Chavez said that it was not allowable. Councilman Becker asked if we could have an educational letter as a part of the entire program to the community stating that we would not be pursuing co-pay, and Mr. Chavez said that it was not a good idea to do that. A soft approach to collecting is a much better way, and all of his staff is diplomatic, he assured Mr. Becker. They are a billing agency, not a collection agency, Mr. Chavez stated.

Councilman Kenyon asked how they handle a younger visitor to the area that has no insurance, and Mr. Chavez said that they are sent a statement for the full charge, and would be as aggressive or lenient as the Town desired, even to the point of having a different letter for that case.

Councilmember Atchison asked what percentage of the patients pay versus those who do not pay, and Mr. Chavez answered that in Indian River County, it is about 62% who do pay, which is based on volume of transport. Mr. Chavez said if we were to piggyback off of the Indian River County contract, his fee would be about 6% - 7%. Councilman Kenyon asked the Town Manager if he had “bottom-lined” this, and Mr. Bradshaw conferred with the Chief of Public Safety, Hugh Cox, who said at the 62% rate it would be around \$50,000, or \$82,000 at 100% collection rate (gross income, Councilman Kenyon added). Mr. Chavez confirmed that the quote for service included all charges.

Councilman Becker explained that this action would probably only apply to non-residents and the rare resident who is below the age of 65, as at least 90% of those transported have some type of supplemental insurance. Mr. Chavez agreed based on what he has heard. Mayor Cadden asked Chief Cox what information is taken when a person is placed in the ambulance, and the response was just the very basics, including the Social Security Number. Councilman Becker added that the hospital will be the primary information gatherers, and that is the source from whom PerSe gets their information.

The Mayor asked if there were any further questions, and Councilmember Atchison addressed why this is being discussed. She said that in the Resident Alert of the Shores Newsletter this was not explained very well, adding that she would write a letter to the editor. It is not a matter of personal philosophy, but a matter of what is best for our Town and how fiscally sound we can make it in the future especially in light of the accreditation and building process, and when considering the purchase of emergency vehicles. She thanked Mr. Chavez and Mr. Burkeen for their time and input.

- b. Budget Amendments FY 04/05. Mr. Bradshaw said that these annual budget amendments, explaining that the total was \$467,050 which included about \$300,000 for hurricane-related expenses. Once the hurricane expenses are removed, it is an amount that is more normal for us. We will still have a surplus for 04/05, which will be announced after the audit. Our Treasurer is predicting a 6-figure surplus. Councilman Kenyon asked when we would be collecting the funds from FEMA, and Mr. Bradshaw said that they have largely been received now. Having a resolution to put the funds in the emergency reserves was discussed, with the Treasurer advising that after the audit is completed, we will have the final amount to determine its placement. Mayor and Council discussed placing the funds in the emergency reserves, and the part of the surplus that is coming from the Building Department. The Finance Committee wanted \$2

million in the Reserves, and we expect to have about \$750,000 at the end of 05/06 Mr. Bradshaw said. A **MOTION to adopt the budget amendments as presented** was made by Councilmember Atchison and seconded by Councilman Kenyon. There was no further discussion, and the motion passed unanimously by voice vote.

- c. Mileage reimbursement procedure. Mr. Bradshaw said that currently the Town reimburses employees who use their personal vehicles for Town travel at 29 cents per mile, which rate was approved in 1998. Staff is asking that the Council consider following the Internal Revenue Services Standard Mileage Rate from here forward. Councilman Kenyon asked how much money is involved on an annual basis, and the Town Treasurer Judith Lewis said it's probably between \$500 and \$1000. Councilman Ahrens said he thought that the Federal Government was in the process of raising the rates now, and Mr. Bradshaw said that if we adopt the IRS rate, it keeps us from coming back to the Council repeatedly for rate increases. A **MOTION to accept the IRS Standard Mileage Rate** was made by Councilman Kenyon and supported by Councilmember Atchison, which was unanimously approved by the Council. Mr. Bradshaw thanked them.

## 7. Call to Council

- a. Committee Reports.
- b. Council of Public Officials (COPO). Councilman Kenyon said that they have been working the idea that with the five municipalities in Indian River County, it would serve their best interest to work together as one team. He presented a list of advantages that the Florida League of Cities has seen in some local leagues. A local league is affiliated with the State organization, and would cost between \$100-\$300 per year. It would not only provide these advantages, but also a stronger voice. This is the only place in the State of Florida where there is not a local affiliation with the Florida League of Cities. The COPO decided to approach their individual Councils with the proposition that this be established in IRC, and host a joint meeting sometime in November for the FLC staff to meet with all elected municipal officials in the County. Councilman Kenyon asked for questions or thoughts on the issue. Mr. Bradshaw asked who would represent the Town, and Mr. Kenyon replied that it would be up to the Town, whether to select an elected official or other representative. In Palm Beach County, their 37 municipalities have had this local league going for over 25 years.

Mayor Cadden said that Indian River Shores only has five cities, and most of these chapters (local leagues) are like Palm Beach with many cities. What Indian River County, St. Lucie County, Martin County, and Okeechobee County have done is to form the Treasure Coast Council of Local Governments (TCCLG), for which the Mayor is the Indian River County representative. The Florida League of Cities extended Board membership to that group (TCCLG), and Mayor Cadden was selected to be the Board Member. If this chapter (of local Indian River municipalities) forms and another board member is allowed, the TCCLG may not

be interested in sponsoring that effort. It is for municipalities, and not like what currently comprises the TCCLG. Councilman Kenyon said that there are primary memberships and associate memberships, with the primary memberships being the municipalities and the secondary or associate groups being the hospital boards, Board of Education and other groups that serve the County. There could be many members of the local league of cities board, with the only voting members the municipalities. The FLC representative at the COPO said that the size of the local chapters or leagues varies greatly, with some as small as ours would be with 4 or 5 municipalities. Mayor Cadden encouraged careful consideration, and reminded them that the FLC was in the process of forming an association of mayors. Councilman Becker, the Mayor and Councilman Kenyon discussed this further, with the latter adding that this organization functions as a bound group to coordinate with the counties and state. Eventually there will be more incorporated cities in Indian River County, he concluded. Mr. Bradshaw asked if the mayoral association would be redundant of this, and Mayor said that it would mainly be a lobbying group. With close to 450 cities in the state, there is nearly 95% membership in the FLC. The dues are about \$500 per year, and strong lobbying groups do a marvelous job in protecting the interests of the municipalities. The Mayor agreed that we should continue to pursue it, asking plenty of questions.

- c. Metropolitan Planning Organization - Dr. Becker reported that the MPO met but he was not present. He said he would review the minutes and report next month on any items of interest.
- d. Beach and Shores Preservation – Mr. Ahrens reported that Mr. Bradshaw did go to the meeting on his behalf, and Mr. Bradshaw said that the item of interest to Indian River Shores was the beach renourishment for John’s Island (JI), for which funds have not been secured as of yet. The Advisory Committee was very upset that this had not been brought before them prior to being presented to the County Commissioners. The County Administrator assured the Committee that this \$1.2 million request would go before them prior to the next presentation to the Commission. Councilman Kenyon added that JI is picking up half of the \$2 million, and Mr. Bradshaw said that they had agreed to pick up 100% of the engineering cost and 50% of the 10% match that is required. The Mayor reminded all that the Town doesn’t have a dog in that fight, and Councilman Ahrens agreed, adding that there are projects in Sector 2 and Sector 7 that have been waiting for years and this is a new project.
- e. Land Acquisition Advisory Committee. Councilmember Atchison reported that the committee met, with 15 environmental land acquisition projects on the books and 10 projects currently in negotiation. The Archie Smith Fish House in Sebastian will be open tomorrow night from 5:30 – 7:30 for a fish-fry and presentation to anyone who is interested about the plans to redevelop the historic waterfront district.

- f. FLC Board of Directors. Mayor Cadden reported that his meeting in Key West was cancelled hours before it was scheduled to start due to Hurricane Rita. Other than that, he had no report.
7. Call to Audience. Bob Bowman, 320 Coconut Palm Road, asked the Council to once again consider cell phone towers. Within our Town, there are many areas with poor reception, with parts of John's Island in particular that you have to go to the beach to get a signal. Councilman Kenyon asked if Mr. Bowman had any idea where to put a tower, and Mr. Bowman said that they had tried to have one installed behind the Police Department. The adjoining neighborhood objected. Now there are many designs of towers (flagpoles, trees, etc.). Cell phones are a major communication tool today. Councilman Becker mentioned that the Chief of Public Safety had to change carriers due to poor reception, and asked Mr. Bowman if four of the major carriers all had problems with reception at John's Island. Mr. Bowman said that they did. Another thing Mr. Bowman mentioned was that the tower had to be profitable, and that last time the problem was aesthetics. Mayor Cadden reviewed what happened last time, with Bermuda Bay being the primary objector. The people who had come to the Town offering the tower were speculators who wanted to install the tower first and then seek four or five "tenants." No tenant had contracted with them, so there was no guarantee of any income and some serious objections from the community. The Mayor agreed that Mr. Bowman made a very good point about emergency services, and told what had transpired last month. The City of Vero Beach agreed to let Cingular put up two temporary towers, one at 17<sup>th</sup> Street and A-1-A, and one in the middle of Indian River Shores. When our Town Manager was told that this was their plan, he informed them that not only we were not consulted prior to the agreement, we have an ordinance against this. They then apologized and rescinded their plans. It is time to revisit the issue, Mayor Cadden concluded, and many service providers would love to have their equipment on a tower behind our Public Safety building. The income from each of the providers could easily be \$15,000 - \$20,000 a year. Even when the Spires is ready to accept cellular equipment again, Mr. Bowman reiterated that the reception has never been that great in some areas of town. He suggested that we conduct a survey of the Town to see where the non-service areas are and the degree of seriousness. Mayor Cadden asked if it might not be a good idea to have a contract with a tower provider and have them sublease long-term (15 years) per cell service provider. Mr. Kenyon discussed putting a tower on one of the islands that the Town has joint purchased, and Mayor Cadden said we can't do that, with the Attorney adding that the restrictions that were placed on the purchase were that the islands were park land, and the State and the other 10 owners would have to approve that type of structure. Mayor Cadden reminded them that the towers also require electricity, and that is another obstacle for the island. Since technology has changed, it may be now be possible to put it on top of the Public Safety building.

Gerry Weick, 20 South Hampton Terrace, said that he had worked on that project last time, and that there is no guarantee that a cell phone will work during a hurricane as you need electricity for the cell phone towers. Also, at that time, each company wanted their own tower, not space on someone else's. There is a tower in Michael's

Orchard now with one provider, with room for four or five more that no one wants to go on. Yes, technology has changed, and Mr. Weick said he saw some towers that were about the size of our telephone poles in Chicago recently, which are relatively small. Mayor Cadden said that he and the Town Manager had reviewed our ordinance when the recent incident with Vero Beach came up, and it stated that 1) there has to be a safety issue and 2) multiple providers are required. The Chief was asked about the service so far with Verizon versus what they had received with Nextel, and he said that in the month they have used Verizon there have not been a lot of complaints from the officers.

Mayor Cadden directed the Town Manager to see what we need to do to be brought up to date on the current technology, preferably with the minimum height and put it on top of the Public Service building. Mr. Bradshaw said that we are limited to 40' height with the current ordinance. Mr. Clem discussed this with the Mayor briefly. The Mayor said that this is an active item with the Florida League of Cities, and suggested that we check with them to see who is an advising consultant for them.

Mr. Bradshaw mentioned that the Mayor had brought up the issue of satellite phones, and asked Chief Cox to address that. The Public Safety Chief said that satellite phones are available for sale or lease, and neither the County or the City of Vero Beach use the satellite phones. During the hurricanes, these two entities had temporary cell towers erected for communication.

Jack Mitchell, 220 Sandpiper Point, asked if the County didn't have a proposal a while back to set up the towers so that there were no voids in service in the whole county? This was discussed and decided that nothing had transpired on the issue.

9. **Adjournment**

There being no other items to discuss, the meeting adjourned at 4:35 p.m.

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Laura Aldrich, Town Clerk

*(Approved by the Town Council at the 10-27-05 meeting)*